

**ENTERED**

March 07, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

LARRY V. BRYANT,

Plaintiff.

V.

TEXAS CITY INDEPENDENT  
SCHOOL DISTRICT,

Defendant.

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CIVIL ACTION NO. 3:24-cv-00116

**OPINION AND ORDER**

Plaintiff Larry Bryant sued the Texas City Independent School District for alleged religious and sex discrimination. On October 22, 2024, I dismissed those claims because Bryant's "lawsuit is based on an untimely charge of discrimination." Dkt. 25 at 4. Bryant filed a notice of appeal on November 25, 2024. *See* Dkt. 27. Bryant now seeks leave to appeal in forma pauperis. *See* Dkt. 33.

I deny Bryant's motion because it is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *see also* FED. R. APP. P. 24(a)(4). "The 'good faith' requirement of Section 1915 'is established by the presentation of any issue that is not plainly frivolous.'" *Hayes v. United States*, 258 F.2d 400, 401–02 (5th Cir. 1958) (quoting *Ellis v. United States*, 356 U.S. 674, 674 (1958)). As explained in my October 22, 2024 Opinion and Order dismissing his claims, Bryant has no chance of recovery against the Texas City Independent School District because his claims are time-barred. The appeal of time-barred claims is considered legally frivolous. *See Perkins v. Lockhart*, No. 1:19-cv-00129, 2020 WL 5821973, at \*2 (S.D. Miss. Sept. 30, 2020) ("Proscribed claims are properly dismissed as frivolous." (collecting cases)).

Accordingly, Bryant's Motion to Proceed In Forma Pauperis (Dkt. 33) is denied with prejudice to refile in this court. I certify, for the reasons stated above,

that Bryant’s appeal is not taken in good faith and that he is not entitled to proceed in forma pauperis on appeal. The clerk is ordered to “immediately notify the parties and the court of appeals” that I have “denie[d Bryant’s] motion to proceed on appeal in forma pauperis” and certified that Bryant’s “appeal is not taken in good faith.” FED. R. APP. P. 24(a)(4)(A)–(B).<sup>1</sup>

SIGNED this 7th day of March 2025.



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ANDREW M. EDISON  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> When a party is denied leave to proceed in forma pauperis by the district court, that party

may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice prescribed in Rule 24(a)(4). The motion must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

FED. R. APP. P. 24(a)(5).